

REMARKS**Overview**

Claims 1-13 and 21-25 are pending in the present application. Claims 1, 12, 13, 21 and 25 have been amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Examiner Interview

The Applicant expresses his gratitude to the Examiner for the courtesy extended during the Interview of March 31, 2005. The Interview Summary has been reviewed and is an accurate and complete account of the Interview.

Claim 25

Claim 25 was previously presented in the Supplemental Amendment of October 27, 2004, but not addressed in the Office Action of December 29, 2004. The Examiner is asked to consider claim 25.

Claim Amendments

Claims 1, 12, 13, 21 and 25 have been amended to clarify that translation is not performed by a human operator.

Issues Under 35 U.S.C. § 103

Claims 1-13 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee (U.S. 2002/0010590) in view of U.S. Patent No. 5,721,783 to Anderson and what the Examiner characterizes as well known prior art.

The Examiner recognizes the deficiencies in Lee as well as the deficiencies in Anderson. In particular, the Examiner recognizes that "Lee and Anderson do not teach an earpiece having a housing and a plurality of microphones within the earpiece housing" (Office Action, page 3). As the prior art references relied upon by the Examiner are deficient, the Examiner combines them with what the Examiner characterizes as being well known. In particular, the Examiner indicates that "it was well known to provide an earpiece, which includes a housing and a plurality of microphones in a communication system, for the purpose of providing improved signal processing via background noise reduction and desired signal enhancement" (Office Action, page 3). The Applicant seasonably challenges this statement regarding the prior art and requests the Examiner to provide support for this statement. Here the Examiner only relies upon one reference, even disclosing the use of multiple microphones (Lee). In Lee, clearly multiple microphones are not used at the same time and not in the context of an earpiece. Thus, it is respectfully submitted that there is a significant gap in the references relied upon by the Examiner and the Examiner's attempt to plug the gap using an unsupported statement with respect to the prior art fails to create a *prima facie* case of obviousness.

Therefore, it is respectfully submitted that the Examiner should find all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Conclusion

Please charge Deposit Account No. 26-0084 the amount of \$60.00 for one month extension of time from March 28, 2005 to April 28, 2005. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for

any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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